

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JUSTIN JONES,**

*Plaintiff,*

**V.**

**RICHMOND AUTO AUCTION  
OF VIRGINIA, INC.,**

***Defendant.***

**Civil Action No. 3:23-cv-626**

Because the Plaintiff in this matter is proceeding *pro se*, and because this motion may be partially dispositive, Plaintiff is entitled to the following notice:

(1) A *pro se* party is entitled to file a response opposing this motion and any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and

(2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and

(3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

(4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

**MOTION TO VACATE THE ORDER GRANTING PLAINTIFF *IN FORMA PAUPERIS* STATUS OR TO DISMISS THE FIFTH AMENDED COMPLAINT**

The Defendant, Richmond Auto Auction of Virginia, Inc., by and through counsel, and pursuant to 28 U.S.C. § 1915(e)(2), moves this Court to vacate its previous Order dated December 22, 2023, granting the Plaintiff leave to proceed *In Forma Pauperis* (“IFP”) (ECF No. 36) due to discrepancies between the IFP applications filed by the Plaintiff in the Courts of the City of Richmond and County of Chesterfield.

Virginia, and other publicly sourced information. In the alternative, the Defendant requests that the Court dismiss Plaintiff's Fifth Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2) due to "untrue" allegations of poverty made in the IFP application submitted to Circuit Court for the City of Richmond, upon which this Court relied, in addition to such other remedies as this Court deems appropriate.

In support of this Motion, the Defendant submits a Memorandum of Points and Authorities and the exhibits attached thereto.

Respectfully submitted,

RICHMOND AUTO AUCTION  
OF VIRGINIA, INC.

By Counsel:

/s/ Blackwell N. Shelley, Jr.

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*Attorneys for Defendants.*

### **CERTIFICATE OF SERVICE**

On the 15<sup>th</sup> day of March, 2024, the foregoing Motion to Vacate was filed electronically with the Court using the CM/ECF system. I further certify that I sent a copy of the same via first class U.S. mail, postage prepaid, to the Plaintiff, at the following address:

Justin Jones  
13926 Hull Street Road, Suite 123  
Midlothian, VA 23112  
[K.A.Management@icloud.com](mailto:K.A.Management@icloud.com)

/s/ Blackwell N. Shelley, Jr.  
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